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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 DUANE JOHNSON,)	Case No. C-07-3563
12 Plaintiff/Petitioner,)	
13 vs.)	PLAINTIFF'S RESPONSE TO
14 UNITED STATES OF AMERICA,)	DEFENDANT'S MOTION TO DISMISS
15)	Date: October 23, 2007
16 Defendants.)	Time: 9:00 a.m.
)	Place: 15 th Floor, CRE

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18 In that the Internal Revenue Service has withdrawn the summon which was illegally
19 issued and served in violation of Title 26, United States Code Section 7609 such as to "moot"
20 the issue before this Court, the Plaintiff does not oppose the motion to dismiss due the issue
21 of "mootness" as there remains no case and controversy.
22

23 Date: September 7, 2007

DAY LAW OFFICES

24 /s/ Montie S. Day

25 BY: _____

26 Montie S. Day, Attorney
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